

Mary C. Geddes
Assistant Federal Defender
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA
601 West Fifth Avenue, Suite 800
Anchorage, Alaska 99501
(907) 646-3400
Attorney for Petitioner

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JACK L. EARL, JR.,

Petitioner,

vs.

CRAIG TURNBULL,

Respondent.

Case No. 3:02-cv-0224-HRH

**MOTION FOR EXTENSION OF
TIME TO ALLOW FILING OF
MERIT BRIEF
(Filed on Shortened Time)**

Petitioner, Jack L. Earl, Jr., by and through counsel Mary C. Geddes, Assistant Federal Defender, moves this court for an additional extension of time in which to file his brief on the merits in this matter. The brief is due today; the proposed deadline will be November 23, 2006. An additional five-week extension is unfortunately necessary. Counsel apologizes for any inconvenience caused by this delay.

During the past month, counsel has been working on Mr. Earl's brief, but is not yet close to completing her work because she has had other case-related responsibilities and the volume of Mr. Earl's files is rather overwhelming. Mr. Earl had two trials, two rounds of appeals, four prior

counsel, and his files fill six file cabinet drawers in this office. While the number of issues in this habeas matter are relatively limited, counsel does require a lengthier opportunity than she had previously anticipated for thoroughly grasping and carefully analyzing the many facts relevant to the determinations on Mr. Earl's suppression motions and the other subjects of his habeas petition. Counsel apologizes for her miscalculation in this regard and expresses her appreciation for the consideration which has been shown to her.

Counsel will be out of the office from October 20 through October 29, and will be attending a appellate training program for some portion of that time. She therefore requests an extension of time through November 23, 2006.

Mr. Earl agrees with the filing of this motion. Respondent's counsel, Ken Rosenstein, has been contacted, but has not yet responded to the undersigned's message. Counsel will notify the court of Mr. Rosenstein's position.

DATED this 19th day of October, 2006.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA
/s/ Mary C. Geddes
Assistant Federal Defender
Alaska Bar No. 8511157
601 West 5th Avenue, Suite 800
Anchorage, AK 99501
Ph: (907) 646-3400
Fax: (907) 646-3480
mary_geddes@fd.org

Certification:

I certify that on October 19, 2006, a copy of the foregoing document was served electronically on:

Kenneth M. Rosenstein, Esq.

/s/ Mary C. Geddes